

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DANIEL IAN WEINER,)
Plaintiff,)
v.)
BRENDAN F. KELLY, in his official capacity as Director)
of the Illinois State Police, and ELIZABETH LEAHY, in)
her official capacity as Illinois State Police Firearm)
Safety Counsel,)
Defendants.)
No. 1:22 CV 7239

STIPULATION OF DISMISSAL

The parties to this action, through their respective attorneys of record, stipulate and agree as follows:

1. On July 12, 2022, the Chicago Police Department investigated a tip submitted by an individual in the community (“S.A.”) regarding Plaintiff. As a result of S.A.’s tip and Chicago Police’s investigation, the Chicago Police Department completed Clear and Present Danger Request and Recommendation forms and submitted them to the Illinois State Police (“ISP”).

2. Following the Chicago Police Department’s submission of Clear and Present Danger Request and Recommendation forms to the ISP, the ISP revoked Plaintiff’s Firearm Owners Identification (“FOID”) Card and Concealed Carry License (“CCL”) pursuant to Section 65/8(f) of the Illinois Firearm Owners Identification Card Act (“FOID Card Act”), 430 ILCS 65/1, *et seq.*

3. However, the ISP has further investigated the tip submitted by S.A., and the ISP has determined that S.A. has credibility issues that were not known to the ISP at the time the

Clear and Present Danger report was made.

4. Based on its investigation and Plaintiff's representations, specifically those in his Complaint (ECF No. 1) and his declaration, attached hereto as Exhibit 1, the ISP has determined that there is not a sufficient evidentiary basis in the original report/record to support a revocation of the Plaintiff's FOID card and CCL.

5. The ISP, by itself and *via* its Office of Firearm Safety, over which the respective Defendants have responsibility, has authority to reinstate the Plaintiff's firearm rights under 430 ILCS 65/10 since Plaintiff is challenging the record the ISP relied on to revoke his card and such record has been determined to be inaccurate.

6. Plaintiff is not otherwise prohibited from possessing a FOID or CCL.

7. Accordingly, the ISP shall reinstate Plaintiff Daniel Ian Weiner's FOID card and CCL within fourteen (14) days of the entry of this Order.

8. Based on these developments, the parties stipulate to the voluntary dismissal of this case with prejudice, with each side to bear its own costs and fees.

Dated: April 28, 2023

Attorney for Plaintiff Daniel Ian Weiner

/s/ David G. Sigale
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Respectfully submitted,

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